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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,011	12/14/2004	Yuuichirou Ogawa	Q85280	4989
23373 7590 06/04/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KNABLE, GEOFFREY L	
			ART UNIT 1733	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/518,011

Applicant(s)

OGAWA, YUUICHIROU

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 3-10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Apparatus claim 3 has been amended to apparently define the tire structural member/bead cores as well as the sheet member as part of the claimed apparatus. However, as these elements seem to be more appropriately termed as the *material worked upon by the apparatus* (i.e. they make up at least part of the "green tire" being manufactured) rather than parts of the described apparatus itself, clarification is required first as to why or if they should be given patentable weight, especially in view of MPEP 2115 which would indicate that they should *not* be given weight at least in the context of an apparatus claim. Further, if these claims are to be read as not limited solely to the apparatus but also inclusive of at least part of the material worked upon, it would seem appropriate to at least redefine the preamble to more accurately reflect that these claims are not solely directed to the apparatus. In view of this issue, the scope of the "apparatus" claims is ambiguous.

Because of this ambiguity, the prior rejections of the apparatus claims will be maintained to the extent that the new references to parts of the material worked upon are not read to further limit the claimed apparatus. The claims will also be treated to address the tire parts as part of the "apparatus".

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Haase (US 2,951,526) as applied in the last office action, the new claim features in claim 3 relating to the material worked upon rather than additional structural features of

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the apparatus itself. Further, even giving weight to the requirement for a "sheet member" (and for the method claim) note that this is very broadly defined and can read on almost any part of the expanding means including for example the web 35 or the stitcher 38.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawaida et al. (US 4,484,973) as applied in the last office action, the new claim features in claim 3 relating to the material worked upon rather than additional structural features of the apparatus itself. Further, even giving weight to the requirement for a "sheet member" (and for the method claim 1) note that this is very broadly defined and can read on almost any part of the expanding means including for example the vane 1, disc 12 or even the bladder 14.

4. Claims 3-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ewing et al. (US 3,051,220) as applied in the last office action, the new claim features in claim 3 relating to the material worked upon rather than additional structural features of the apparatus itself. Further, even giving weight to the requirement for a "sheet member" (and for the method claim 1) note that this is very broadly defined and can read on almost any part of the expanding means including for example the sleeve 82, part 75 or even bladder 76.

5. Claims 1-6, 8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caretta et al. (US 2002/0011297) taken in view of at least one of [Haase (US 2,951,526) and Ewing et al. (US 3,051,220)].

Caretta et al. (figs. 1-4), as noted in the last office action, discloses forming a tire carcass by setting a rubber coated cord on a toroidal core from side to side sequentially in the circumferential direction and in which the ends are turned up around beads. Further, note that this reference also provides a sheet member (12 and/or 12a in esp. fig. 1) that will be located inside the carcass at both edges. Specifics of the means used to effect the turn-up around the bead are not however described although an exemplary suggestion is made to use "inflatable chambers or equivalent means associated with the toroidal support 11" (paragraph [0135]). Haase and Ewing, each as detailed in the prior office action, disclose means to effect turn-up around the beads of a carcass toroidally formed on a toroidal core, this means including radial expanding means inserted at an inner side of the bead/toroidal core. In view of these teachings of suitable and effective means to effect turn-up of a carcass formed on a toroidal core, as well as the suggestion by Caretta et al. to use expandable means associated with the core to effect the turning back, it is considered to have been obvious to effect the turn-up desired in Caretta et al. using radially expandable means that are inserted at an inner side relative to the bead/core as claimed. As such, a method and apparatus as required by claims 1-4 is obvious in view of these disclosures. As to claims 5, 6 and 8, note the previous office action with respect to Haase and Ewing. As to claim 11, the sheet member 12 and/or 12a would be located at the position that the turn-up means would be provided and is clearly attached to the edge of the carcass. As to claims 12-13, the sheet members are provided at the inner edge of the carcass, contact with the expanding means at some point in the process being obvious given the proximity to the carcass

edge - note that the apparatus claims do not require such contact at any particular part of the process as they are directed to the apparatus, not the method.

6. Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase (US 2,951,526) or Ewing et al. (US 3,051,220) or [Caretta et al. (US 2002/0011297) taken in view of at least one of [Haase (US 2,951,526) and Ewing et al. (US 3,051,220)]] as applied above, and further in view of Brown et al. (US 4,199,393) or Niclas et al. (US 3,223,566) as applied in the last office action.

7. Applicant's arguments filed 3-12-2007 have been fully considered but they are not persuasive.

The prior 112 rejections have however been withdrawn in view of applicant's response. The new features of the claims, and the accompanying arguments, have been addressed within the statements of rejection and the newly reformulated rejections above. Note also that it would seem that applicant is reading the requirement for a "sheet member" more narrowly than presently defined - note that the claims do not even indicate the material for this member.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
May 27, 2007